

**REDISTRICTING COMMISSION**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ross I. Romero**

House Sponsor: \_\_\_\_\_

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**LONG TITLE****General Description:**

This bill modifies the Election Code to establish a redistricting commission.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ establishes a redistricting commission that is composed of citizens;
- ▶ requires that redistricting occur only:
  - every ten years after the decennial census; or
  - in association with a change in the number of congressional or legislative seats for a reason other than the decennial census;
- ▶ establishes the membership requirements and procedures for the commission;
- ▶ provides for the replacement and compensation of members;
- ▶ requires the commission to prepare an advisory redistricting plan for presentation to the Legislature;
- ▶ provides factors for the commission's consideration when preparing an advisory redistricting plan;
- ▶ provides that technical staff for the commission be provided by the Office of Legislative Research and General Counsel;
- ▶ permits the commission to hire its own legal counsel, executive director, and other staff, and to incur reasonable expenses within the commission's budget and duties;



- 28           ▶ requires the commission to adopt a draft advisory redistricting plan and permits  
29 draft alternative advisory redistricting plans to be considered by the commission;  
30           ▶ requires the commission to hold public hearings on the draft advisory redistricting  
31 plan and any alternative draft advisory redistricting plans adopted by the  
32 commission;  
33           ▶ requires the commission to adopt a final advisory redistricting plan and request that  
34 the plan be submitted to the Legislature for the Legislature's consideration; and  
35           ▶ provides a severability clause.

**Monies Appropriated in this Bill:**

37           None

**Other Special Clauses:**

39           None

**Utah Code Sections Affected:**

41 ENACTS:

42           **20A-16-101**, Utah Code Annotated 1953

43           **20A-16-102**, Utah Code Annotated 1953

44           **20A-16-103**, Utah Code Annotated 1953

45           **20A-16-104**, Utah Code Annotated 1953

46           **20A-16-105**, Utah Code Annotated 1953

47           **20A-16-106**, Utah Code Annotated 1953

48           **20A-16-107**, Utah Code Annotated 1953

49           **20A-16-108**, Utah Code Annotated 1953

50           **20A-16-109**, Utah Code Annotated 1953

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52 *Be it enacted by the Legislature of the state of Utah:*

53           Section 1. Section **20A-16-101** is enacted to read:

54                           **CHAPTER 16. ADVISORY REDISTRICTING COMMISSION**

55                                   **Part 1. Advisory Redistricting Commission**

56           **20A-16-101. Title.**

57           This chapter is known as the "Advisory Redistricting Commission."

58           Section 2. Section **20A-16-102** is enacted to read:

**20A-16-102. Definitions.**

As used in this chapter:

(1) "District" means the geographic area of a public office from which a candidate is elected.

(2) "Federal decennial census" means the enumeration of the population of the United States as required by the United States Constitution.

(3) "Gerrymandering" means the manipulation of district boundaries for political advantage.

(4) "Redistricting" means the process by which the state is divided into districts.

Section 3. Section **20A-16-103** is enacted to read:

**20A-16-103. Timing of redistricting.**

(1) In accordance with Utah Constitution Article IX, Section 1, the Legislature shall divide the state into congressional, legislative, and other districts at the annual general session next following the Legislature's receipt of the results of an enumeration made by the authority of the United States.

(2) Redistricting may occur only at the following times:

(a) every ten years, in the year following the federal decennial census; and

(b) in association with a change in the number of congressional or legislative districts that results from an event other than the federal decennial census.

Section 4. Section **20A-16-104** is enacted to read:

**20A-16-104. Advisory Redistricting Commission -- Creation -- Appointment -- Requirements for commission members.**

(1) There is created an Advisory Redistricting Commission which shall prepare an advisory redistricting plan to the Legislature.

(2) (a) The commission shall:

(i) consist of nine members, appointed as provided in Subsection (2)(b); and

(ii) be reconstituted in connection with each redistricting, consistent with the provisions of Section 20A-16-103.

(b) (i) On or before January 31 of the year following the federal decennial census or within 30 days after an event other than the federal decennial census that changes the number of congressional or legislative districts:

90 (A) two members shall be appointed by the president of the Senate;

91 (B) two members shall be appointed by the speaker of the House of Representatives;

92 (C) two members shall be appointed by the leader of the minority party in the Senate;

93 (D) two members shall be appointed by the leader of the minority party in the House of  
94 Representatives; and

95 (E) one member shall be appointed under Subsection (2)(b)(ii)(C).

96 (ii) (A) The four members appointed under Subsections (2)(b)(i)(A) and (B) shall  
97 select one among them to be a vice chair of the commission.

98 (B) The four members appointed under Subsections (2)(b)(i)(C) and (D) shall select  
99 one among them to be a vice chair of the commission.

100 (C) The two vice chairs selected under Subsections (2)(b)(ii)(A) and (B) shall appoint a  
101 ninth member of the commission who shall be chair of the commission.

102 (3) (a) At the time of appointment, each commission member shall:

103 (i) be a citizen of the United States;

104 (ii) be at least 25 years of age; and

105 (iii) have been a resident of the state for at least three consecutive years immediately  
106 before appointment.

107 (b) The following persons may not be appointed to or serve on the commission:

108 (i) a person who holds an elected or appointed public office;

109 (ii) a lobbyist as defined in Section 36-11-102; or

110 (iii) a principal as defined in Section 36-11-102.

111 (4) A person who serves as a member of the commission may not seek election to or  
112 hold any of the offices for which the commission establishes districts under Subsection (1)  
113 until after the completion of the first election for that office that follows the adoption of a  
114 redistricting plan by the commission of which the person was a member.

115 (5) When a vacancy occurs in the membership of the commission for any reason, the  
116 vacancy shall be filled, within 14 days of the date of the vacancy, in the same manner as the  
117 appointment of the original member.

118 (6) (a) Except as specifically required elsewhere in this chapter, attendance of a  
119 majority of the members of the commission shall constitute a quorum for the conducting of  
120 business and the taking of official action.

121 (b) The commission shall meet upon the request of the chair or a majority of the  
122 members of the commission.

123 (7) (a) Members shall not receive compensation or benefits for their services, but  
124 commission members who are not government employees may receive per diem and expenses  
125 incurred in the performance of the members' official duties at the rates established by the  
126 Division of Finance under Sections 63A-3-106 and 63A-3-107.

127 (b) A commission member may decline to receive per diem and expenses for service to  
128 the commission.

129 Section 5. Section **20A-16-105** is enacted to read:

130 **20A-16-105. Duties of commission -- Standards for preparation of advisory**  
131 **redistricting plans -- Staff.**

132 (1) The commission shall prepare a draft advisory redistricting plan that divides the  
133 state into single member districts for each congressional, state House, state Senate, and state  
134 school board district consistent with the provisions of Section 20A-16-103.

135 (2) In preparing a draft, alternative, or final advisory redistricting plan as required by  
136 this chapter, the commission shall do the following:

137 (a) at the commencement of the mapping process for both the congressional and  
138 legislative districts, initially create districts of roughly equal population across the state; and

139 (b) adjust the districts as necessary to accommodate, to the extent practicable, the  
140 following goals:

141 (i) complying with the requirements of the United States Constitution, the Utah State  
142 Constitution, and applicable provisions of the Voting Rights Act, 42 U.S.C. 1973, et seq.;

143 (ii) equalizing population between districts, using the most recent population data as  
144 reported in the official federal census data;

145 (iii) creating contiguous and reasonably compact districts;

146 (iv) utilizing existing political boundaries and census tracts in the creation of district  
147 boundaries;

148 (v) preserving communities of common interest, including cultural, demographic,  
149 economic, ethnic, geographic, and trade area factors;

150 (vi) utilizing natural and geographic boundaries and barriers in the creation of district  
151 boundaries; and

(vii) promoting competitiveness and partisan fairness, if the promotion creates no significant detriment to the goals identified in Subsections (2)(b)(i) through (vi).

(3) (a) The Office of Legislative Research and General Counsel shall provide the technical staff for the commission.

(b) Upon a majority vote of the members of the commission, the commission may:

(i) employ an executive director, legal counsel, and other staff to assist the commission; and

(ii) incur other reasonable expenses within the authorized budget of the commission and consistent with the commission's duties.

Section 6. Section **20A-16-106** is enacted to read:

**20A-16-106. Preparation and adoption of draft advisory redistricting plan -- Alternative advisory redistricting plans.**

(1) The commission shall prepare and, by the affirmative vote of a majority of the members of the commission, adopt a draft advisory redistricting plan within 150 days after the later of:

(a) the date that the federal decennial census data are available to the public; and

(b) the date the commission is constituted under Section 20A-16-104.

(2) (a) In addition to the draft advisory redistricting plan, a commission member may introduce one or more draft alternative redistricting plans for consideration by the commission.

(b) The commission, by a majority vote, may authorize one or more draft alternative advisory redistricting plans to be presented as alternatives to the draft advisory redistricting plan during the public hearings provided for in Section 20A-16-107.

Section 7. Section **20A-16-107** is enacted to read:

**20A-16-107. Public hearings -- Timing and locations -- Public notice.**

(1) In addition to the provisions of this section, the commission is subject to Title 52, Chapter 4, Open and Public Meetings Act.

(2) (a) Within 14 days after the date of adopting a draft advisory redistricting plan, the commission shall hold the first of no less than seven public hearings throughout Utah as follows:

(i) one in the Bear River region -- Box Elder, Cache, or Rich County;

(ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington

County:

(iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

(iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne

County:

(v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

(vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

(vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber

County.

(b) At least two meetings must be held in a first or second class county, but the meetings may not be held in the same county.

(c) In accordance with this section the number and location of the public hearings shall be determined by a majority vote of the commission.

(d) Subject to Subsection (2)(e), public hearings may be held in the order and on a schedule adopted by a majority vote of the commission.

(e) The last public hearing shall be completed within 190 days after the later of:

(i) the date that the decennial enumeration data are available to the public; and

(ii) the date the commission is constituted under Section 20A-16-104.

(3) At least three calendar days before the date of each public hearing, the commission shall:

(a) provide written notice of the public hearing to:

(i) the lieutenant governor for posting on the state's website; and

(ii) each state senator, state representative, and county commission or county council member who is elected in whole or in part from the region where the public hearing will be held; and

(b) publish written notice of the public hearing detailing its time, date, and location in at least one newspaper of general circulation in each county in the region where the public hearing will be held.

(4) (a) During the public hearing, the commission shall either:

(i) record the public hearing, by video and audio, or by audio only, and deposit a complete copy of the recording of the meeting with the Division of Archives and Records Services within seven days after the date of the meeting; or

214 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of  
215 each speaker and summarizing each speaker's comments.

216 (b) During each public hearing, the commission shall accept written comments from  
217 the public.

218 (c) The Division of Archives and Records Services shall make copies of the written  
219 comments and the recordings or minutes available to the public.

220 (5) Notwithstanding Subsection 20A-16-104(6), public hearings may be held by the  
221 commission with less than a quorum present, however, at least four members of the  
222 commission shall attend each public hearing.

223 Section 8. Section **20A-16-108** is enacted to read:

224 **20A-16-108. Final advisory redistricting plan -- Resolution for submission to**  
225 **Legislature.**

226 (1) (a) After completion of the public hearings, the commission shall prepare and adopt  
227 a final advisory redistricting plan.

228 (b) In preparing the final advisory redistricting plan, the commission shall:

229 (i) review the following:

230 (A) the written comments and the records or minutes of the public hearings;

231 (B) the draft advisory redistricting plan; and

232 (C) as applicable, any draft alternative advisory redistricting plan; and

233 (ii) adopt a final advisory redistricting plan by adopting:

234 (A) the draft advisory redistricting plan;

235 (B) a draft alternative advisory redistricting plan; or

236 (C) a new plan that is prepared according to the requirements of Subsection  
237 20A-16-105(2).

238 (2) The commission shall complete the process of adopting a final advisory  
239 redistricting plan on or before November 30 of the year following the federal decennial census,  
240 but no earlier than the third Tuesday after the first Monday in November.

241 (3) Adoption of the final advisory redistricting plan requires the affirmative vote of at  
242 least six members of the commission.

243 (4) After adoption of the final advisory redistricting plan, the commission shall, by the  
244 affirmative vote of at least six members of the commission, adopt a resolution that:



245           (a) states that a final advisory redistricting plan has been adopted by the commission;  
246           (b) requests that the lieutenant governor recommend that the governor call the  
247 Legislature into special session to adopt the final advisory redistricting plan; and  
248           (c) designates a member of each house of the Legislature as the commission's preferred  
249 sponsor of legislation to submit the plan to the Legislature.

250           Section 9. Section **20A-16-109** is enacted to read:

251           **20A-16-109. Severability.**

252           If any word, phrase, sentence, or section of this chapter or its application to any person  
253 or circumstance is determined to be invalid, the invalidity does not affect other provisions or  
254 applications of this chapter that can be given effect without the invalid provision or application,  
255 and to this end the provisions of this chapter are severable.

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Legislative Review Note  
as of 2-5-09 11:49 AM

Office of Legislative Research and General Counsel

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**S.B. 174 - Redistricting Commission****Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will require \$253,000 one-time General Funds appropriated to the Office of Legislative Research and General Counsel in FY 2010. This assumes that the current committee of the legislature would be replaced by the new commission without duplication of expenditures. Per diem expenses would be replaced with funding currently used to pay legislators on the current committee.

	<b><u>2009</u></b> <b><u>Approp.</u></b>	<b><u>2010</u></b> <b><u>Approp.</u></b>	<b><u>2011</u></b> <b><u>Approp.</u></b>	<b><u>2009</u></b> <b><u>Revenue</u></b>	<b><u>2010</u></b> <b><u>Revenue</u></b>	<b><u>2011</u></b> <b><u>Revenue</u></b>
General Fund, One-Time	\$0	\$253,000	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$253,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.